

5 **Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

10 **Listing of Claims:**

1. (Currently Amended) An enhancer device for enhancing the utility and look of a user's bed, the enhancer device comprising:

15 a pair of support members, each support member having a base end and a distal end;

 two fasteners, each connected with the distal end of a support member,

 two support member securing mechanisms for attaching with the support members and securing the enhancer device with a user's bed;

20 wherein when each support member is attached with a support member securing mechanism, the distal end of each support member extends laterally over the attached support member securing mechanism;

wherein each of the support member securing mechanisms is substantially planar for placement between a user's box spring and a user's mattress, and being formed to be detachably attached with a single support member;

25 wherein each support member securing mechanism is of a size such that when connected with a support member, the support member securing mechanism extends laterally beyond the distal end of the support member, and where the size is such that when the support member securing mechanism is positioned between the user's box spring and a mattress having weight, and when the support member is affixed with the support member securing mechanism, the support member securing mechanism remains affixed with the user's bed through the weight of the mattress alone, and where the size is sufficient to maintain the support member securing mechanism affixed with the user's bed when a user's weight is
30 positioned upon the support member; and

35 further comprising an attachment for connecting with at least one of the two fasteners fastener;

5 whereby using the support member securing mechanisms, a user may
secure the enhancer device with a user's bed, allowing the user to thereafter
connect the attachment with at least one of the two fasteners ~~the fastener~~, thereby
enhancing the utility and look of the user's bed.

10 2. (Cancelled)

3. (Previously Presented) An enhancer device as set forth in Claim 1, wherein
each support member securing mechanism further includes an attachment portion
and wherein the support member is detachably attached with the attachment
15 portion.

4. (Previously Presented) An enhancer device as set forth in Claim 3, wherein
each support member is pivotally connected with a support member securing
mechanism, thereby allowing the support member to rotate in relation to a fixed
20 support member securing mechanism.

5. (Original) An enhancer device as set forth in Claim 4, further comprising a
stop mechanism attached with the enhancer device, whereby when the stop
mechanism is utilized the support member is prevented from pivoting in relation
25 to the support member securing mechanism.

6. (Previously Presented) An enhancer device as set forth in Claim 5, wherein
the stop mechanism comprises a slot at the base end of each support member and
a projection projecting from each attachment portion, the projection positioned
30 such that it can mate with the slot, whereby when the projection mates with the
slot, the support member is prevented from pivoting in relation to the support
member securing mechanism.

7. (Cancelled)

- 5 8. (Previously Presented) An enhancer device as set forth in Claim 6, wherein
the attachment is an item selected from a group consisting of a candle holder, a
light, and a plant holder.
- 10 9. (Previously Presented) An enhancer device as set forth in Claim 6, wherein
the attachment is a handcuff, with a portion of the handcuff constructed of a
material selected from a group consisting of metal, leather, fur, rope, plastic,
nylon, composite, and fiber.
- 15 10. (Previously Presented) An enhancer device as set forth in Claim 6, wherein
the attachment is a strap, with a portion of the strap constructed of a material
selected from a group consisting of leather, fur, rope, plastic, nylon, composite,
and fiber.
- 20 11. (Currently Amended) An enhancer device as set forth in Claim 6, wherein the
attachment is an elongated strap and is connected with both of the two fasteners,
thereby allowing the elongated strap to be used as a seat and elevate a user above
a bed's surface.
- 25 12. (Currently Amended) An enhancer device as set forth in Claim 6,
further comprising a third support member, the third support member
having a base end and a distal end;
a third fastener connected with the distal end of the third support member,
the two fasteners and the third fastener constituting a plurality of fasteners;
a third support member securing mechanism attached with the third
30 support member;
wherein the attachment is a body sling with a plurality of attachment parts,
each of the attachment parts being formed to be attached with a fastener such that
the body sling can be attached with the ~~for attaching with a~~ plurality of fasteners,
whereby utilization of the body sling allows a body of a user to be elevated above
35 a bed's surface.

13. (Currently Amended) An enhancer device as set forth in Claim 12, wherein each support member is tubular; and

further comprising a fourth support member, the fourth support member having a base end and a distal end;

10 a fourth fastener connected with the distal end of the fourth support member;

a fourth support member securing mechanism attached with the fourth support member;

15 wherein the third and fourth support members collectively form a second pair of support members, such that the body sling can be connected between the two fasteners, the third fastener, and the fourth fastener ~~fasteners of both pairs of support members~~ to effectively hold a user's body.

14. (Previously Presented) An enhancer device as set forth in Claim 13,
20 wherein each support member is constructed of a material selected from a group consisting of metal, plastic, nylon, composite, and fiber.

15. (Previously Presented) An enhancer device as set forth in Claim 14,
25 wherein each support member includes an arcuate section terminating at the distal end, the arcuate section is shaped such that it appears as half of a simple heart shape, whereby when two support members are placed together, their combination forms a full heart shape.

16. (Previously Presented) An enhancer device as set forth in Claim 15,
30 wherein each support member securing mechanism is substantially flat, allowing each support member securing mechanism to be placed between a mattress and a box spring, thereby securing the enhancer device with a user's bed.

17. (Previously Presented) An enhancer device as set forth in Claim 16, further
35 comprising an adjuster connected with each support member, whereby a height of

- 5 the enhancer device can be selectively adjusted to accommodate different sizes
and heights of tables, mattresses and users.
18. (Original) An enhancer device as set forth in Claim 17, wherein the adjuster is a
mechanism selected from a group consisting of telescoping tubes and pin-adjusted
10 tubes.
19. (Previously Presented) An enhancer device as set forth in Claim 3, further
comprising a stop mechanism attached with the enhancer device, whereby when
the stop mechanism is utilized the support member is prevented from pivoting in
15 relation to the support member securing mechanism.
20. (Previously Presented) An enhancer device as set forth in Claim 19,
wherein the stop mechanism comprises a slot at the base end of each support
member and a projection projecting from each attachment portion, the projection
20 positioned such that it can mate with the slot, whereby when the projection mates
with the slot, the support member is prevented from pivoting in relation to the
support member securing mechanism.
21. (Previously Presented) An enhancer device as set forth in Claim 1, wherein
25 each support member securing mechanism is substantially flat, allowing each
support member securing mechanism to be placed between a mattress and a box
spring, thereby securing the enhancer device with a user's bed.
22. (Cancelled)
- 30
23. (Previously Presented) An enhancer device as set forth in Claim 1, wherein
the attachment is an item selected from a group consisting of a candle holder, a
light, and a plant holder.

- 5 24. (Previously Presented) An enhancer device as set forth in Claim 1, wherein
the attachment is a handcuff, with a portion of the handcuff constructed of a
material selected from a group consisting of metal, leather, fur, rope, plastic,
nylon, composite, and fiber.
- 10 25. (Previously Presented) An enhancer device as set forth in Claim 1, wherein
the attachment is a strap, with a portion of the strap constructed of a material
selected from a group consisting of leather, fur, rope, plastic, nylon, composite,
and fiber.
- 15 26. (Currently Amended) An enhancer device as set forth in Claim 1, wherein the
attachment is an elongated strap and is formed to be connected with both of the
two fasteners, thereby allowing the elongated strap to be used as a seat and
elevate a user above a bed's surface.
- 20 27. (Currently Amended) An enhancer device as set forth in Claim 1,
further comprising an additional support member, the additional support
member having a base end and a distal end;
an additional fastener connected with the distal end of the additional
support member, the two fasteners and the additional fastener constituting a
25 plurality of fasteners;
an additional support member securing mechanism attached with the
additional support member;
wherein the attachment is a body sling with a plurality of attachment parts,
each of the attachment parts being formed to be attached with a fastener such that
30 the body sling can be attached with the ~~for attaching with~~ a plurality of fasteners,
whereby utilization of the body sling allows a body of a user to be elevated above
a bed's surface.

35 28. (Cancelled)

- 5 29. (Original) An enhancer device as set forth in Claim 1, wherein each support member is tubular.
30. (Currently Amended) An enhancer device as set forth in Claim 1, wherein each support member is constructed of a material selected from a group consisting of metal, plastic, nylon, composite, and fiber; and further comprising
- 10 a second pair of support members, each of the second pair of support members having a base end and a distal end;
- two additional fasteners, each connected with the distal end of one of the second pair of support members, the two fasteners and the two additional
- 15 fasteners constituting a plurality of fasteners;
- two additional support member securing mechanisms, each attached with one of the second pair of support members, for securing the second pair of support members with a user's bed;
- wherein the attachment is a body sling with a plurality of attachment parts,
- 20 each of the attachment parts being formed to be attached with a fastener such that the body sling can be attached with the ~~for attaching with a~~ plurality of fasteners, such that the body sling can be connected between the plurality of fasteners ~~of both pairs of support members~~ to effectively hold a user's body elevated above a bed's surface.
- 25 31. (Previously Presented) An enhancer device as set forth in Claim 1, wherein each support member includes an arcuate section terminating at the distal end, the arcuate section is shaped such that it appears as half of a simple heart shape, whereby when two support members are placed together, their combination forms
- 30 a full heart shape.
32. (Previously Presented) An enhancer device as set forth in Claim 1, further comprising an adjuster connected with each support member, whereby a height of the enhancer device can be selectively adjusted to accommodate different sizes
- 35 and heights of tables, mattresses and users.

33. (Original) An enhancer device as set forth in Claim 32, wherein the adjuster is a mechanism selected from a group consisting of telescoping tubes and pin-adjusted tubes.

- 10 34. (Currently Amended) A kit for building an enhancer device, the kit comprising:
a pair of support members, each having a base end and a distal end;
two fasteners, each configured to be connected with the distal end of a
support member;
further comprising two support member securing mechanisms, each
15 configured to be attached with a support member, and wherein the support
member securing mechanisms aid in securing the enhancer device with a user's
bed;
wherein when each support member is attached with a support member
securing mechanism, the distal end of each support member extends laterally over
20 the attached support member securing mechanism;
wherein each of the support member securing mechanisms is substantially
planar for placement between a user's box spring and a user's mattress, and being
formed to be detachably attached with a single support member;
wherein each support member securing mechanism is of a size such that
25 when connected with a support member, the support member securing mechanism
extends laterally beyond the distal end of the support member, and where the size
is such that when the support member securing mechanism is positioned between
the user's box spring and a mattress having weight, and when the support member
is affixed with the support member securing mechanism, the support member
30 securing mechanism remains affixed with the user's bed through the weight of the
mattress alone, and where the size is sufficient to maintain the support member
securing mechanism affixed with the user's bed when a user's weight is
positioned upon the support member; and
further comprising an attachment configured to be connected with at least
35 one of the two fasteners ~~fastener~~;

5 whereby using both support member securing mechanisms, a user may
secure the enhancer device with a user's bed, allowing the user to thereafter
connect the attachment with at least one of the two fasteners~~fastener~~, thereby
enhancing the utility and look of the user's bed.

10 35. (Cancelled)

36. (Previously Presented) A kit for building an enhancer device as set forth in
Claim 34, wherein each support member securing mechanism further includes an
attachment portion, and wherein each support member is configured such that it is
15 detachably attachable with the attachment portion.

37. (Previously Presented) A kit for building an enhancer device as set forth in
Claim 36, wherein each support member is configured such that it may be
pivotally connected with the support member securing mechanism, thereby
20 allowing the support member to rotate in relation to a fixed support member
securing mechanism.

38. (Original) A kit for building an enhancer device as set forth in Claim 37, further
comprising a stop mechanism attached with the enhancer device, whereby when
25 the stop mechanism is utilized the support member is prevented from pivoting in
relation to the support member securing mechanism.

39. (Previously Presented) A kit for building an enhancer device as set forth in
Claim 38, wherein the stop mechanism comprises a slot at the base end of each
30 support member and a projection projecting from each attachment portion, the
projection positioned such that it can mate with the slot, whereby when the
projection mates with the slot, the support member is prevented from pivoting in
relation to the support member securing mechanism.

35 40. (Cancelled)

41. (Previously Presented) A kit for building an enhancer device as set forth in Claim 39, wherein the attachment is an item selected from a group consisting of a candle holder, a light, and a plant holder.

10 42. (Previously Presented) A kit for building an enhancer device as set forth in Claim 39, wherein the attachment is a handcuff, with a portion of the handcuff constructed of a material selected from a group consisting of metal, leather, fur, rope, plastic, nylon, composite, and fiber.

15 43. (Previously Presented) A kit for building an enhancer device as set forth in Claim 39, wherein the attachment is a strap, with a portion of the strap constructed of a material selected from a group consisting of leather, fur, rope, plastic, nylon, composite, and fiber.

20 44. (Previously Presented) A kit for building an enhancer device as set forth in Claim 39, wherein the attachment is an elongated strap and is configured to be connected with both of the fasteners, thereby allowing the elongated strap to be used as a seat and elevate a user above a bed's surface.

25 45. (Currently Amended) A kit for building an enhancer device as set forth in Claim 39, further comprising:

a third support member, the third support member having a base end and a distal end;

30 a third fastener connected with the distal end of the third support member, the two fasteners and the third fastener constituting a plurality of fasteners;

a third support member securing mechanism configured to be attached with the third support member; and

35 wherein the attachment is a body sling with a plurality of attachment parts, each of the attachment parts being formed to be attached with a fastener such that the body sling can be attached with the ~~for attaching with a~~ plurality of fasteners,

5 whereby utilization of the body sling allows a body of a user to be elevated above a bed's surface.

46. (Currently Amended) A kit for building an enhancer device as set forth in Claim 45, wherein each support member is tubular; and

10 further comprising a fourth support member, the fourth support member having a base end and a distal end;

a fourth fastener connected with the distal end of the fourth support member,

15 a fourth support member securing mechanism attached with the fourth support member;

wherein the third and fourth support members collectively form a second pair of support members, such that the body sling can be connected between the two fasteners, the third fastener, and the fourth fastener ~~fasteners of both pairs of support members~~ to effectively hold a user's body.

20 47. (Previously Presented) A kit for building an enhancer device as set forth in Claim 46, wherein each support member is constructed of a material selected from a group consisting of metal, plastic, nylon, composite, and fiber.

25 48. (Previously Presented) A kit for building an enhancer device as set forth in Claim 47, wherein each support member includes an arcuate section terminating at the distal end, the arcuate section is shaped such that it appears as half of a simple heart shape, whereby when two support members are placed together, their combination forms a full heart shape.

30 49. (Previously Presented) A kit for building an enhancer device as set forth in Claim 48, wherein each support member securing mechanism is substantially flat, allowing each support member securing mechanism to be placed between a mattress and a box spring, thereby securing the enhancer device with a user's bed.

- 5 50. (Previously Presented) A kit for building an enhancer device as set forth in Claim 49, further comprising an adjuster configured to be connected with each support member, whereby a height of the enhancer device can be selectively adjusted to accommodate different sizes and heights of tables, mattresses and users.
- 10 51. (Original) A kit for building an enhancer device as set forth in Claim 50, wherein the adjuster is a mechanism selected from a group consisting of telescoping tubes and pin-adjusted tubes.
- 15 52. (Previously Presented) A kit for building an enhancer device as set forth in Claim 36, further comprising a stop mechanism attached with the enhancer device, whereby when the stop mechanism is utilized the support member is prevented from pivoting in relation to the support member securing mechanism.
- 20 53. (Previously Presented) A kit for building an enhancer device as set forth in Claim 52, wherein the stop mechanism comprises a slot at the base end of each support member and a projection projecting from each attachment portion, the projection positioned such that it can mate with the slot, whereby when the projection mates with the slot, the support member is prevented from pivoting in relation to the support member securing mechanism.
- 25 54. (Previously Presented) A kit for building an enhancer device as set forth in Claim 34, wherein each support member securing mechanism is substantially flat, allowing each support member securing mechanism to be placed between a mattress and a box spring, thereby securing the enhancer device with a user's bed.
- 30 55. (Previously Presented) A kit for building an enhancer device as set forth in Claim 34, wherein each support member is configured to be pivotally connected with a support member securing mechanism, thereby allowing the support member to rotate in relation to a fixed support member securing mechanism.
- 35

56. (Cancelled)

57. (Previously Presented) A kit for building an enhancer device as set forth in Claim 34, wherein the attachment is an item selected from a group consisting of a candle holder, a light, and a plant holder.

58. (Previously Presented) A kit for building an enhancer device as set forth in Claim 34, wherein the attachment is a handcuff, with a portion of the handcuff constructed of a material selected from a group consisting of metal, leather, fur, rope, plastic, nylon, composite, and fiber.

59. (Previously Presented) A kit for building an enhancer device as set forth in Claim 34, wherein the attachment is a strap, with a portion of the strap constructed of a material selected from a group consisting of leather, fur, rope, plastic, nylon, composite, and fiber.

60. (Previously Presented) A kit for building an enhancer device as set forth in Claim 34, wherein the attachment is an elongated strap and is connected with both of the fasteners, thereby allowing the elongated strap to be used as a seat and elevate a user above a bed's surface.

61. (Currently Amended) A kit for building an enhancer device as set forth in Claim 34,

further comprising an additional support member, the additional support member having a base end and a distal end;

an additional fastener connected with the distal end of the additional support member, the two fasteners and the additional fastener constituting a plurality of fasteners;

an additional support member securing mechanism attached with the additional support member;

5 wherein the attachment is a body sling with a plurality of attachment parts,
each of the attachment parts being formed to be attached with a fastener such that
the body sling can be attached with the ~~for attaching with a~~ plurality of fasteners,
whereby utilization of the body sling allows a body of a user to be elevated above
a bed's surface.

10
62. (Previously Presented) A kit for building an enhancer device as set forth in
Claim 34, wherein each support member is tubular.

15
63. (Currently Amended) A kit for building an enhancer device as set forth in Claim
34, wherein each support member is constructed of a material selected from a
group consisting of metal, plastic, nylon, composite, and fiber; and further
comprising

 a second pair of support members, each of the second pair of support
members having a base end and a distal end;

20 two additional fasteners, each connected with the distal end of one of the
second pair of support members, the two fasteners and the two additional
fasteners constituting a plurality of fasteners;

 two additional support member securing mechanisms, each attached with
one of the second pair of support members, for securing the second pair of
support members with a user's bed;

25 wherein the attachment is a body sling with a plurality of attachment parts,
each of the attachment parts being formed to be attached with a fastener such that
the body sling can be attached with the ~~for attaching with a~~ plurality of fasteners,
such that the body sling can be connected between the plurality of fasteners of
30 ~~both pairs of support members~~ to effectively hold a user's body elevated above a
bed's surface.

64. (Previously Presented) A kit for building an enhancer device as set forth in
Claim 34, wherein each support member includes an arcuate section terminating
35 at the distal end, the arcuate section is shaped such that it appears as half of a

5 simple heart shape, whereby when two support members are placed together, their combination forms a full heart shape.

65. (Previously Presented) A kit for building an enhancer device as set forth in Claim 34, further comprising an adjuster configured to be connected with each support member, whereby a height of the enhancer device can be selectively
10 adjusted to accommodate different sizes and heights of tables, mattresses and users.

66. (Original) A kit for building an enhancer device as set forth in Claim 65, wherein
15 the adjuster is a mechanism selected from a group consisting of telescoping tubes and pin-adjusted tubes.

67. (Currently Amended) An enhancer device for enhancing the utility and look of a user's bed, the enhancer device comprising:

20 a pair of support members, each support member having a base end and a distal end;

 two fasteners, each connected with the distal end of a support member,

 two support member securing mechanisms, each attachable with a support member, for securing the enhancer device with a user's bed;

25 wherein when each support member is attached with a support member securing mechanism, the distal end of each support member extends laterally over the attached support member securing mechanism;

30 wherein each of the support member securing mechanisms is substantially planar for placement between a user's box spring and a user's mattress, and being formed to be detachably attached with a single support member;

35 wherein each support member securing mechanism is of a size such that when connected with a support member, the support member securing mechanism extends laterally beyond the distal end of the support member, and where the size is such that when the support member securing mechanism is positioned between

5 the user's box spring and a mattress having weight, and when the support member
is affixed with the support member securing mechanism, the support member
securing mechanism remains affixed with the user's bed through the weight of the
mattress alone, and where the size is sufficient to maintain the support member
securing mechanism affixed with the user's bed when a user's weight is
10 positioned upon the support member;
 an attachment for connecting with and between each of the two~~both~~
fasteners; and
 wherein the attachment is an elongated strap and is connectable with and
between each ~~both~~ of the two fasteners, thereby allowing the elongated strap to be
15 used as a supporting surface to elevate a user above a bed's surface, whereby
using both support member securing mechanisms, a user may secure the enhancer
device with a user's bed, allowing the user to thereafter connect the attachment
with the two fasteners, thereby enhancing the utility and look of the user's bed.

20 68. (Currently Amended) An enhancer device for enhancing the utility and look of a
user's bed, the enhancer device comprising:
 two pairs of support members, each support member having a base end
and a distal end;
 four fasteners, each connected with the distal end of a support member,
25 four support member securing mechanisms, each attachable with a support
member, for securing the enhancer device with a user's bed;
 wherein when each support member is attached with a support member
securing mechanism, the distal end of each support member extends laterally over
the attached support member securing mechanism;
30 wherein each of the support member securing mechanisms is substantially
planar for placement between a user's box spring and a user's mattress, and being
formed to be detachably attached with a single support member;
 wherein each support member securing mechanism is of a size such that
when connected with a support member, the support member securing mechanism
35 extends laterally beyond the distal end of the support member, and where the size

5 is such that when the support member securing mechanism is positioned between
the user's box spring and a mattress having weight, and when the support member
is affixed with the support member securing mechanism, the support member
securing mechanism remains affixed with the user's bed through the weight of the
10 mattress alone, and where the size is sufficient to maintain the support member
securing mechanism affixed with the user's bed when a user's weight is
positioned upon the support member;

an attachment for connecting with and between each of the four fasteners;
and

wherein the attachment is a body sling with a plurality of attachment parts,
15 each of the attachment parts being formed to be attached with a fastener such that
the body sling can be attached with the four ~~for attaching with a plurality of~~
fasteners, such that the body sling can be connected between the four fasteners ~~of~~
~~both pairs of support members~~ to effectively hold a user's body elevated above a
bed's surface, whereby using the support member securing mechanisms, a user
20 may secure the enhancer device with a user's bed, allowing the user to thereafter
connect the attachment with the four fasteners, thereby enhancing the utility and
look of the user's bed.

REMARKS

This reply is fully responsive to the Office Action dated December 11, 2006, and was filed within SIX (6) months of the mailing date of the office action. Additionally, after filing the response, the Applicant received a Notice of Non-Compliant Amendment Non-Compliant Amendment dated September 6, 2006. Thus, this revised response in compliance with the Non-Compliant Amendment is submitted with ONE (1) month of the mailing date of the Non-Compliant Amendment.

Objection/Rejection Summary

This application has been carefully reviewed in light of the Office Action of December 11, 2006, wherein:

- A. Claims 1, 3-6, 8-21, 23-27, 29-34, 36-39, 41-55, and 57-68 were rejected under 35 U.S.C. §112;
- B. Claims 1, 21, 23, 25, 29, 31, 34, 54, 57, 59, 62, 64, and 67 were rejected under 35 U.S.C. §102(b) as being anticipated by Waters (U.S. Patent No. 2,792,266, hereinafter referred to as the Waters patent);
- C. Claims 1, 3, 21, 23, 25, 26, 29, 31, 32, 33, 34, 36, 37, 54, 55, 57, 59, 60, 62, and 64-67 were rejected under 35 U.S.C. §102(b) as being anticipated by Marlow (U.S. Patent No. 5,868,694, hereinafter referred to as the Marlow patent);
- D. Claims 1, 3, 23, 25, 29, 31, 34, 36, 37, 55, 57, 59, 62, 64, and 67 were rejected under 35 U.S.C. §102(a) as being anticipated by Greenfield (U.S. Patent Publication No. 2003/0182726, hereinafter referred to as the Greenfield reference);
- E. Claims 1, 3-6, 8, 10, 19, 20, 21, 23, 25, 29, 34, 36-39, 41, 43, 44, 52-55, 57, 59, 62, and 67 were rejected under 35 U.S.C. §102(b) as being anticipated by Thomsen (U.S. Patent No. 1,546,813, hereinafter referred to as the Thomsen patent);
- F. Claims 1, 3-6, 8, 10, 11, 19, 20, 23, 25, 26, 29, 32, 34, 36-39, 41, 43, 44, 52, 53, 55, 57, 59, 60, 62, 65, and 67 were rejected under 35 U.S.C. §102(b) as being anticipated by Johnson (U.S. Patent No. 924,075, hereinafter referred to as the Johnson patent);

- 5 G. Claims 1, 3, 4, 21, 23, 25, 26, 27, 29, 30-34, 36, 37, 54, 55, 57, and 59-68 were rejected under 35 U.S.C. §102(b) as being anticipated by Lewis Jr. (U.S. Patent No. 2,736,131, hereinafter referred to as the Lewis patent);
- H. Claims 9, 24, 42, and 58 were rejected under 35 U.S.C. §103(a) as being unpatentable over the Thomsen patent;
- 10 I. Claims 12-14, 30, 45-47, 61, 63, and 68 were rejected under 35 U.S.C. §103(a) as being unpatentable over the Johnson patent in view of the Lewis patent;
- J. Claims 1, 3, 23, 24, 25, 29, 32, 33, 34, 36, 37, 55, 57, 58, 59, 62, 65, 66, and 67 were rejected under 35 U.S.C. §103(a) as being unpatentable over Shepard (U.S. Patent No. 2,696,963, hereinafter referred to as the Shepard patent) in view of
- 15 duplication of parts;
- K. Claims 4-6, 8-10, 19, 20, 38, 39, 41-43, 52, and 53 were rejected under 35 U.S.C. §103(a) as being unpatentable over Shepard and further in view of McConnell (U.S. Patent No. 4,576,501, hereinafter referred to as the McConnell patent);
- L. Claims 21 and 54 were rejected under 35 U.S.C. §103(a) as being unpatentable
- 20 over Shepard and further in view of Matsuoka (U.S. Patent No. 2,909,345, hereinafter referred to as the Matsuoka patent);
- M. Claims 31 and 64 were rejected under 35 U.S.C. §103(a) as being unpatentable over Shepard and further in view of the Matsuoka patent; and
- N. Claims 15-18 and 48-51 would be allowable if rewritten to overcome the 35
- 25 U.S.C. §112 rejections and to include all of the limitations of the base claim and any intervening claims.

Claim Rejections – 35 U.S.C. §112

- A. Turning now to the Office Action, the Examiner rejected Claims 1, 3-6, 8-21, 23-30 27, 29-34, 36-39, 41-55, and 57-68 under 35 U.S.C. §112.

The Examiner stated that the claims were indefinite in that it is unclear how the “fasteners” are related. A fastener is attached with the distal end of each support member. As stated in paragraph 50, “The fastener 106 is connected with a distal end 108

35 of the support member 104. The fastener 106 may be any suitable mechanism or device

5 for attaching one object with another, a non-limiting example of which includes a hook, a hoop, and a ring that can rotate relative to the support member 104” (see paragraph 50 of the present application).

Thus, the attachment can be connected with one, or both of the fasteners. The Applicant
10 apologizes for the confusion, but feels that one skilled in the art clearly understands that given two fasteners, “an attachment for connecting with at least one fastener” clearly implies that the attachment can be connected with either one of, or both of, the fasteners.

Nevertheless, to remove any further confusion, the pertinent parts of Claim 1 have been
15 amended as follows:

“...further comprising an attachment for connecting with at least one of
the two fasteners ~~fastener~~;

whereby using the support member securing mechanisms, a user may
secure the enhancer device with a user’s bed, allowing the user to thereafter
20 connect the attachment with at least one of the two fasteners ~~the fastener~~, thereby
enhancing the utility and look of the user’s bed.”

Claim 34, although slightly different than Claim 1, has also been amended to include
similar limitations as those set forth above regarding Claim 1.

25 Referring to Claims 12, 27, 30, 45, 61, 63, and 68, the Examiner stated that a “plurality of fasteners” is recited and that it is unclear how this relates to the other fasteners listed in the claims. The Applicant apologizes for any confusion, but feels that one skilled in the art clearly understands that given the recitation of multiple fasteners, the statement that
30 “the attachment is a body sling with a plurality of attachment parts for attaching with a plurality of fasteners” clearly implies that the body sling can be attached with the multiple fasteners (as already listed in the claim). Thus, the “plurality of fasteners” clearly refers to the fact that multiple (a plurality of) fasteners have already been included in the claim and that the attachment can be connected with more than one fastener, such
35 as being connected between them all (the plurality of fasteners). Given the common

5 meaning of the term plurality, the Applicant does not feel it is necessary to include a limitation such as “the first fastener, the second fastener, and the third fastener constitute a plurality of fasteners.”

Nevertheless, to further remove any confusion, the pertinent parts of Claim 12 have been amended as follows:

10 “...a third fastener connected with the distal end of the third support member, the two fasteners and the third fastener constituting a plurality of fasteners;

a third support member securing mechanism attached with the third support member;

15 wherein the attachment is a body sling with a plurality of attachment parts, each of the attachment parts being formed to be attached with a fastener such that the body sling can be attached with the ~~for attaching with a~~ plurality of fasteners, whereby utilization of the body sling allows a body of a user to be elevated above a bed’s surface.”

20 The remaining claims, Claims 27, 30, 45, 61, 63, and 68 have been amended similarly to further clarify the “plurality of fasteners.”

Thus, the Applicant believes that the Claims are no longer indefinite and respectfully
25 requests that the Examiner withdraw this rejection.

Claim Rejections – 35 U.S.C. §102

B. Claims 1, 21, 23, 25, 29, 31, 34, 54, 57, 59, 62, 64, and 67 were rejected under 35 U.S.C. §102(b) as being anticipated by the Waters patent.

30 The Examiner stated that Claims 1, 21, 23, 25, 29, 31, 34, 54, 57, 59, 62, 64, and 67 were anticipated by the Waters patent.

1. The cited prior art does not establish a *prima facie* case of anticipation

5 Regarding anticipation, the Federal Circuit stated that under 35 U.S.C. § 102(b), “There must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention.” *Scripps Clinic & Research Found v. Genentech Inc.*, 927 F.2d 1576.

10 Furthermore, the Federal Circuit stated that under 35 U.S.C. § 102, “anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.” *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452.

15 Therefore, in order to establish a prima facie case of anticipation the Examiner must set forth an argument that provides (1) a single reference (2) that teaches or enables (3) each of the claimed elements (as arranged in the claim) (4) either expressly or inherently and (5) as interpreted by one of ordinary skill in the art. All of these factors must be present, or a case of anticipation is not met.

20 As applied to the present case, the Examiner stated that the Waters patent anticipates the present application. The Applicant respectfully disagrees. The independent claims, Claims 1, 34, and 67 have been amended to further define the support member securing mechanism and the interrelationship between the support member and the support
25 member securing mechanism, which distinguishes it from the Waters patent.

For example, the Waters patent fails to teach:

“...wherein when each support member is attached with a support member securing mechanism, *the distal end of each support member extends laterally over*
30 *the attached support member securing mechanism*; and

...where the support member securing mechanism *remains affixed with*
the user’s bed through the weight of the mattress alone...”

To be contrasted with the present invention, the Waters patent discloses a support
35 member that includes a distal end (element 7 in FIG. 2) that extends off to the side and

5 not over the support member securing mechanism. Further, the support member securing mechanism of the Waters patent is affixed with the user's bed through use of a plate (element 15a in FIG. 3) that is bolted to the bed (element 1 in FIG. 3). The plate 15a disclosed by the Waters patent is not sufficiently large enough to remain affixed with the bed via the weight of the mattress alone. Thus, the Waters patent does not disclose each
10 element of the claimed invention. Therefore, the Applicant respectfully requests that the Examiner withdraw this rejection.

Regarding the remaining claims, Claims 21, 23, 25, 29, 31, 54, 57, 59, 62, and 64, the Applicant directs the Examiner to the comments above regarding the independent claims.
15 Because the independent claims are allowable, the Applicant believes that Claims 21, 23, 25, 29, 31, 54, 57, 59, 62, and 64, which depend therefrom, are also allowable, at least based on their dependency upon an allowable base claim. Thus, the Applicant respectfully requests that the Examiner withdraw this rejection and provide for timely allowance of all pending claims.

20 C. Claims 1, 3, 21, 23, 25, 26, 29, 31, 32, 33, 34, 36, 37, 54, 55, 57, 59, 60, 62, and 64-67 were rejected under 35 U.S.C. §102(b) as being anticipated by the Marlow patent.

25 The Examiner stated that the Marlow patent anticipates the present application. The Applicant respectfully disagrees. The independent claims, Claims 1, 34, and 67 have been amended to further define the support member securing mechanism and the interrelationship between the support member and the support member securing mechanism, which distinguishes it from the Marlow patent.

30 For example, the Marlow patent fails to teach:

“...wherein each of the support member securing mechanisms is substantially planar for placement between a user's box spring and a user's mattress, and being formed to be *detachably attached with a single support*
35 *member*; and...

5 ... where *the size is sufficient to maintain the support member securing mechanism affixed with the user's bed when a user's weight is positioned upon the support member...*"

To be contrasted with the present invention, the Marlow patent discloses a single support
10 member securing mechanism that is affixed with two support members (not a single support member, as is claimed). The device taught by the Marlow patent requires a single support member securing mechanism attached with the two support members so that it can remain in a fixed alignment with respect to one another to flank a user's torso. Alternatively and as is claimed in the present invention, two separate support member
15 securing mechanism are used so that they can be positioned at each side of the user's bed. Each support member securing mechanism is then attached with a single support member to suspend the distal end of the support member over the user's bed.

Additionally, as illustrated in FIG. 1 of the Marlow patent, one skilled in the art can
20 appreciate that if a user's weight is positioned upon the support member, the size of the support member securing mechanism is insufficient to maintain the device affixed with the user's bed. Thus, the Marlow patent does not disclose each element of the claimed invention. Therefore, the Applicant respectfully requests that the Examiner withdraw this rejection.

25 Regarding the remaining claims, Claims 3, 21, 23, 25, 26, 29, 31, 32, 33, 36, 37, 54, 55, 57, 59, 60, 62, and 64-66, the Applicant directs the Examiner to the comments above regarding the independent claims. Because the independent claims are allowable, the Applicant believes that Claims 3, 21, 23, 25, 26, 29, 31, 32, 33, 36, 37, 54, 55, 57, 59, 60,
30 62, and 64-66, which depend therefrom, are also allowable, at least based on their dependency upon an allowable base claim. Thus, the Applicant respectfully requests that the Examiner withdraw this rejection and provide for timely allowance of all pending claims.

5 D. Claims 1, 3, 23, 25, 29, 31, 34, 36, 37, 55, 57, 59, 62, 64, and 67 were rejected under 35 U.S.C. §102(a) as being anticipated the Greenfield reference.

The Examiner stated that the Greenfield reference anticipates the present application. The Applicant respectfully disagrees. The independent claims, Claims 1, 34, and 67 have
10 been amended to further define the support member securing mechanism and the interrelationship between the support member and the support member securing mechanism, which distinguishes it from the Greenfield reference.

For example, the Greenfield reference fails to teach:

15 “...wherein each of the support member securing mechanisms is substantially planar for placement between a user’s box spring and a user’s mattress...
wherein when each support member is attached with a support member securing mechanism, *the distal end of each support member extends laterally over*
20 *the attached support member securing mechanism; and*
...where the support member securing mechanism remains affixed with the user’s bed through the weight of the mattress alone...”

To be contrasted with the present invention, the Greenfield reference discloses a support
25 member that includes a distal end (element 24 in FIG. 1) that extends off to the side and not *over* the support member securing mechanism.

Further, the support member securing mechanism of the Greenfield reference is affixed with the user’s bed through use of a bolt-type mechanism (element 12 in FIG. 1) that is
30 bolted to or otherwise tightened against the bed. As shown, the bolt-type mechanism disclosed by the Greenfield reference is not sufficiently large enough to remain affixed with the bed via the weight of the mattress alone.

Finally, the Greenfield reference does not disclose a support member securing
35 mechanism that is substantially planar for placement between the user’s box spring and

5 mattress. Thus, the Greenfield reference does not disclose each element of the claimed invention. Therefore, the Applicant respectfully requests that the Examiner withdraw this rejection.

Regarding the remaining claims, Claims 3, 23, 25, 29, 31, 36, 37, 55, 57, 59, 62, and 64,
10 the Applicant directs the Examiner to the comments above regarding the independent claims. Because the independent claims are allowable, the Applicant believes that Claims 3, 23, 25, 29, 31, 36, 37, 55, 57, 59, 62, and 64, which depend therefrom, are also allowable, at least based on their dependency upon an allowable base claim. Thus, the Applicant respectfully requests that the Examiner withdraw this rejection and provide for
15 timely allowance of all pending claims.

E. Claims 1, 3-6, 8, 10, 19, 20, 21, 23, 25, 29, 34, 36-39, 41, 43, 44, 52-55, 57, 59, 62, and 67 were rejected under 35 U.S.C. §102(b) as being anticipated by the Thomsen patent.

20 The Examiner stated that the Thomsen patent anticipates the present application. The Applicant respectfully disagrees. The independent claims, Claims 1, 34, and 67 have been amended to further define the support member securing mechanism and the interrelationship between the support member and the support member securing
25 mechanism, which distinguishes it from the Thomsen patent.

For example, the Thomsen patent fails to teach:

“...wherein when each support member is attached with a support member securing mechanism, *the distal end of each support member extends laterally over the attached support member securing mechanism...*

30 ...wherein each of the support member securing mechanisms is substantially planar for placement between a user's box spring and a user's mattress, and being formed to be *detachably attached with a single support member*; and...”

5 To be contrasted with the present invention, the Thomsen patent discloses a support member that includes a distal end (element 32 in FIG. 1) that extends vertically up from the support member securing mechanism and not over the support member securing mechanism, as claimed by the present invention.

10 Additionally, as shown in FIG. 7, the Thomsen patent discloses a single support member securing mechanism that is affixed with two support members (not a single support member, as is claimed). The device taught by the Thomsen patent requires a single support member securing mechanism attached with the two support members so that it

15 examinations. To be contrasted with the present invention, two separate support member securing mechanism are used so that they can be positioned at each side of the user's bed. Each support member securing mechanism is then attached with a single support member to suspend the distal end of the support member over the user's bed.

20 Thus, the Thomsen patent does not disclose each element of the claimed invention. Therefore, the Applicant respectfully requests that the Examiner withdraw this rejection.

Regarding the remaining claims, Claims 3-6, 8, 10, 19, 20, 21, 23, 25, 29, 36-39, 41, 43, 44, 52-55, 57, 59, and 62, the Applicant directs the Examiner to the comments above

25 regarding the independent claims. Because the independent claims are allowable, the Applicant believes that Claims 3-6, 8, 10, 19, 20, 21, 23, 25, 29, 36-39, 41, 43, 44, 52-55, 57, 59, and 62, which depend therefrom, are also allowable, at least based on their dependency upon an allowable base claim. Thus, the Applicant respectfully requests that the Examiner withdraw this rejection and provide for timely allowance of all pending

30 claims.

F. Claims 1, 3-6, 8, 10, 11, 19, 20, 23, 25, 26, 29, 32, 34, 36-39, 41, 43, 44, 52, 53, 55, 57, 59, 60, 62, 65, and 67 were rejected under 35 U.S.C. §102(b) as being anticipated by the Johnson patent.

35

5 The Examiner stated that the Johnson patent anticipates the present application. The Applicant respectfully disagrees. The independent claims, Claims 1, 34, and 67 have been amended to further define the support member securing mechanism and the interrelationship between the support member and the support member securing mechanism, which distinguishes it from the Greenfield reference.

10 For example, the Johnson patent fails to teach:

“...wherein each of the support member securing mechanisms is
substantially planar for placement between a user’s box spring and a user’s mattress...

15 ...where the support member securing mechanism remains affixed with the user’s bed through the weight of the mattress alone...”

To be contrasted with the present invention, the Johnson patent discloses a support member securing mechanism that is a clamp-type mechanism that is tightened against the
20 user’s bed. Alternatively, the present invention claims a support member securing mechanism that is substantially planar for placement between the user’s box spring and mattress.

Further, as shown in the Johnson patent, the clamp-type mechanism is not sufficiently
25 large enough to remain affixed with the bed via the weight of the mattress alone.

Thus, the Johnson patent does not disclose each element of the claimed invention. Therefore, the Applicant respectfully requests that the Examiner withdraw this rejection.

30 Regarding the remaining claims, Claims 3-6, 8, 10, 11, 19, 20, 23, 25, 26, 29, 32, 34, 36-39, 41, 43, 44, 52, 53, 55, 57, 59, 60, 62, and 65, the Applicant directs the Examiner to the comments above regarding the independent claims. Because the independent claims are allowable, the Applicant believes that Claims 3-6, 8, 10, 11, 19, 20, 23, 25, 26, 29, 32, 34, 36-39, 41, 43, 44, 52, 53, 55, 57, 59, 60, 62, and 65, which depend therefrom, are also
35 allowable, at least based on their dependency upon an allowable base claim. Thus, the

5 Applicant respectfully requests that the Examiner withdraw this rejection and provide for timely allowance of all pending claims.

G. Claims 1, 3, 4, 21, 23, 25, 26, 27, 29, 30-34, 36, 37, 54, 55, 57, and 59-68 were rejected under 35 U.S.C. §102(b) as being anticipated by the Lewis patent.

10

The Examiner stated that the Lewis patent anticipates the present application. The Applicant respectfully disagrees. The independent claims, Claims 1, 34, 67 and 68 have been amended to further define the support member securing mechanism and the interrelationship between the support member and the support member securing
15 mechanism, which distinguishes it from the Thomsen patent.

For example, the Lewis patent fails to teach:

20

“...wherein when each support member is attached with a support member securing mechanism, *the distal end of each support member extends laterally over the attached support member securing mechanism...*

25

To be contrasted with the present invention, the Lewis patent discloses a support member that includes a distal end (approximately at element 24 in FIG. 2) that extends vertically up from the support member securing mechanism and not over the support member securing mechanism, as claimed by the present invention.

Thus, the Lewis patent does not disclose each element of the claimed invention.

Therefore, the Applicant respectfully requests that the Examiner withdraw this rejection.

30

Regarding the remaining claims, Claims 3, 4, 21, 23, 25, 26, 27, 29, 30-33, 36, 37, 54, 55, 57, and 59-66, the Applicant directs the Examiner to the comments above regarding the independent claims. Because the independent claims are allowable, the Applicant believes that Claims 3, 4, 21, 23, 25, 26, 27, 29, 30-33, 36, 37, 54, 55, 57, and 59-66, which depend therefrom, are also allowable, at least based on their dependency upon an

5 allowable base claim. Thus, the Applicant respectfully requests that the Examiner withdraw this rejection and provide for timely allowance of all pending claims.

Claim Rejections – 35 U.S.C. §103(a)

10 H. Claims 9, 24, 42, and 58 were rejected under 35 U.S.C. §103(a) as being unpatentable over the Thomsen patent.

1. The cited prior art does not establish a prima facie case of obviousness

In order to establish a *prima facie* case of obviousness, the Examiner must set
15 forth an argument that provides (1) one or more references (2) that were available to the inventor and (3) that teach (4) a suggestion to combine or modify the references, (5) the combination or modification of which would appear to be sufficient to have made the claimed invention obvious to one of ordinary skill in the art. Importantly, the teaching or suggestion to make the claimed combination must be found in the prior art, not in
20 Applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

The Applicants assert that the Examiner has failed to establish references that, if combined, teach each of the elements of the claimed invention. More specifically, the cited prior art fails to teach:

25 "...wherein when each support member is attached with a support member securing mechanism, *the distal end of each support member extends laterally over the attached support member securing mechanism...*

...wherein each of the support member securing mechanisms is substantially planar for placement between a user's box spring and a user's
30 mattress, and being formed to be *detachably attached with a single support member*; and..."

Further, the Applicant directs the Examiner to the comments above regarding Claims 1 and 34. Because Claims 9, 24, 42, and 58 depend from allowable base claims, Claims 1
35 and 34, the Applicant believes that Claims 9, 24, 42, and 58 are also allowable, at least

5 based upon their dependency upon allowable base claims. Thus, the Applicant respectfully requests that the Examiner withdraw this rejection.

I. Claims 12-14, 30, 45-47, 61, 63, and 68 were rejected under 35 U.S.C. §103(a) as being unpatentable over the Johnson patent in view of the Lewis patent.

10

The Applicant directs the Examiner to the comments above regarding Claims 1 and 34. Because Claims 12-14, 30, 45-47, 61, and 63 depend from allowable base claims, Claims 1 and 34, the Applicant believes that Claims 12-14, 30, 45-47, 61, and 63 are also allowable, at least based upon their dependency upon allowable base claims.

15

Further, Claim 68 has also been amended to include similar limitations as those set forth in claims 1 and 34. Given the new limitations, neither the Johnson patent nor the Lewis patent, either alone or in combination, teach each of the claimed limitations of Claim 68.

20 Thus, the Applicant respectfully requests that the Examiner withdraw this rejection.

J. Claims 1, 3, 23, 24, 25, 29, 32, 33, 34, 36, 37, 55, 57, 58, 59, 62, 65, 66, and 67 were rejected under 35 U.S.C. §103(a) as being unpatentable over the Shepard patent in view of duplication of parts.

25

The Applicant directs the Examiner to the comments above regarding Claims 1, 34, and 67. As amended, the Shepard patent fails to teach each element of the claimed invention. More specifically, the Shepard patent fails to teach:

30

“...wherein each of the support member securing mechanisms is
substantially planar for placement between a user’s box spring and a user’s mattress...

...where the support member securing mechanism remains affixed with the user’s bed through the weight of the mattress alone...”

5 To be contrasted with the present invention, the Shepard patent discloses a support member securing mechanism that is a clamp-type mechanism that is tightened against the user's bed frame. Alternatively, the present invention claims a support member securing mechanism that is substantially planar for placement between the user's box spring and mattress.

10

Additionally, as shown in the Shepard patent, the clamp-type mechanism is not sufficiently large enough to remain affixed with the bed via the weight of the mattress alone. Thus, the Shepard patent does not disclose each element of the claimed invention.

15 Further, because Claims 3, 23, 24, 25, 29, 32, 33, 36, 37, 55, 57, 58, 59, 62, 65, and 66 depend from allowable base claims, Claims 1 and 34, the Applicant believes that Claims 3, 23, 24, 25, 29, 32, 33, 36, 37, 55, 57, 58, 59, 62, 65, and 66 are also allowable, at least based upon their dependency upon allowable base claims.

20 Thus, the Applicant respectfully requests that the Examiner withdraw this rejection.

K. Claims 4-6, 8-10, 19, 20, 38, 39, 41-43, 52, and 53 were rejected under 35 U.S.C. §103(a) as being unpatentable over the Shepard patent and further in view of the McConnell patent.

25

The Applicant directs the Examiner to the comments above regarding Claims 1 and 34. Because Claims 4-6, 8-10, 19, 20, 38, 39, 41-43, 52, and 53 depend from allowable base claims, Claims 1 and 34, the Applicant believes that Claims 4-6, 8-10, 19, 20, 38, 39, 41-43, 52, and 53 are also allowable, at least based upon their dependency upon allowable
30 base claims. Thus, the Applicant respectfully requests that the Examiner withdraw this rejection.

L. Claims 21 and 54 were rejected under 35 U.S.C. §103(a) as being unpatentable over the Shepard patent and further in view of the Matsuoka patent.

35

5 The Applicant directs the Examiner to the comments above regarding Claims 1 and 34.
Because Claims 21 and 54 depend from allowable base claims, Claims 1 and 34, the
Applicant believes that Claims 21 and 54 are also allowable, at least based upon their
dependency upon allowable base claims. Thus, the Applicant respectfully requests that
the Examiner withdraw this rejection.

10

M: Claims 31 and 64 were rejected under 35 U.S.C. §103(a) as being unpatentable
over the Shepard patent and further in view of the Matsuoka patent.

The Applicant directs the Examiner to the comments above regarding Claims 31 and 64.
15 Because Claims 31 and 64 depend from allowable base claims, Claims 1 and 34, the
Applicant believes that Claims 31 and 64 are also allowable, at least based upon their
dependency upon allowable base claims. Thus, the Applicant respectfully requests that
the Examiner withdraw this rejection.

20 N. Claims 15-18 and 48-51 would be allowable if rewritten to overcome the 35
U.S.C. §112 rejections and to include all of the limitations of the base claim and
any intervening claims.

The Applicant directs the Examiner to the comments above regarding the 35 U.S.C. §112
25 rejections. As described above, the Applicant contends that the claims are patentable
over §112. Additionally, the Applicant directs the Examiner to the comments above
regarding Claims 1 and 34. As Claims 1 and 34 are allowable, the Applicant believes
that Claims 15-18 and 48-51, which depend therefrom, are also allowable. Thus, the
Applicant respectfully requests that the Examiner provide for timely allowance of the
30 claims.